

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE ,

Defendant.

No. 2:20-cv-00887-RAJ

DECLARATION OF MURACO
KYASHNA-TOCHA IN SUPPORT OF
MOTION FOR TEMPORARY
RESTRAINING ORDER

I, Muraco Kyashna-tochá, declare and state as follows:

1. I am a Washington resident and every day between May 30, 2020 and June 6, 2020, I participated in protests in Seattle, Washington. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.

2. From Monday, June 1 through Thursday, June 4, 2020, I participated in protests on the corner of 11th Ave. and E Pine St. in Seattle's Capitol Hill neighborhood.

3. On Monday, June 1, 2020, I went out to protest right after dinner. I did not expect any violence and prepared myself for a peaceful protest. I took a coat for the weather and wore a

1 cloth mask per COVID-19 preventative recommendations. I owned a respirator mask and
2 goggles, but I did not take either because I did not think they would be necessary at what I
3 expected to be a peaceful protest.

4 4. When I arrived at 11th Ave. and E Pine St. in Seattle, I went up to the front of the
5 barricade created by law enforcement. There was about one to two feet between law
6 enforcement and the protesters (including myself) at the barricade. Over time protesters filled in
7 and we peacefully chanted. We were vocal and loud, but from what I saw the protesters were
8 non-violent and peaceful. I did not see that either law enforcement or protesters throw any
9 objects.

10 5. Around 9:10 p.m., we were still non-violent and police officers continued to avoid
11 eye contact. I did not hear the officers issue any warnings, and they did not have any masks.
12 But seemingly without any provocation, the police officers began pepper spraying me and other
13 protesters at the barricade. I was not being violent, nor was anyone else around me being
14 violent. There was pepper spray on the whole right side of my body, my eye, my ear, my hair,
15 and my mask. It took almost a minute for the pain to take effect. After a minute, I could no
16 longer see clearly. But I knew the police threw flash bangs grenades—because I could hear their
17 loud bangs and see the bright flashes of light.

18 6. Four young black men then grabbed me as I fell to the ground saying “It’s OK,
19 we got you.” They carried me to an area protesters designated for medical assistance (there were
20 many of these stations around the area). People poured milk on my head and liquid in my eyes
21 to clear the pepper spray. I saw the police officers coming down the street. The four men and I
22 moved to the Cal Anderson Park a few feet away, where I stayed for about another hour or so as
23 I caught my breath and collected myself. The burning did not stop until the next morning.

24 7. The next day I reviewed footage of the night posted by citizen journalist Omari
25 Salisbury on social media. This footage is available at the following link:
26 <https://www.youtube.com/watch?v=4IHbLRdi09Y&feature=youtu.be&fbclid=IwAR3wIHLz7N>

1 e2mOTNhRtKSJAFnuQFnJGSzPMup198El9b7zI5wCYw9oc9ZOQ. In the video I can be seen
2 from 2:33 in a blue coat, several people north of the pink umbrella.

3 8. On or about June 3 or June 4 I also filed two complaints with the Office of
4 Professional Accountability regarding the unprovoked attack by the police department. I
5 included that I saw a man who looked homeless who was hit by a bomb fragment. A true and
6 correct photo I took of this man with a bleeding ear is attached as **Exhibit A**.

7 9. I had to take a two-hour shower to get the burning pepper spray off my body. I
8 had to throw my cloth face mask away. My doctor told me to throw all my clothes away, but I
9 kept the coat I was wearing in case this happens again. I do not know what caused the police to
10 start pepper spraying the protesters, so I imagine I would have no way of knowing when they
11 would do the same again.

12 10. If the police had announced they were going to pepper spray me, I would have
13 moved back at least half a block away. I am not afraid to protest for what I believe in. I have
14 protested at least one hundred times in my lifetime. But this is the first time I have been blasted
15 with pepper spray by law enforcement without any notice.

16 11. I went back to protest at the same location the next day on Tuesday, June 2, 2020.
17 I went fully prepared with my respirator and goggles. I did not know what to expect. I hoped
18 Tuesday would be better. And it was. The protesters I saw were again non-violent, and so was
19 law enforcement. I went again despite the fear for my safety because I had the right equipment
20 to prepare myself and as a white woman in her 60s I know I have an obligation to show
21 Washington and the rest of the country that my generation of white people supports the
22 movement against anti-black racism and police brutality.

23 12. I am afraid of being pepper sprayed by the police without notice again. I went
24 back and protested multiple times after the incident on Monday, but I was constantly evaluating
25 the scene and my safety.
26

1 Executed this 8th day of June 2020 at Seattle, Washington.

2 I declare under penalty of perjury under the laws of the United States and the State of
3 Washington that the foregoing is true and correct.

4 By: Muraco Kyashna-Tocha
5 MURACO KYASHNA-TOCHA
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

KYASHNA-TOCHA DECL. ISO TRO (No.)

-4

148464192.2

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

EXHIBIT A

